

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicant: TISCHLER, Michael A., et al.

Application No.: 09/933,943

Date Filed: August 21, 2001

Title: BULK SINGLE CRYSTAL
GALLIUM NITRIDE AND
METHOD OF MAKING SAME

Docket No.: 2771-161 CON 1

Examiner: MIGGINS, M.

Art Group: 1772

Confirm. No.: 8088

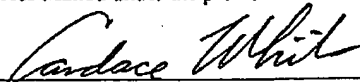
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PATENT TRADEMARK OFFICE

EXPRESS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to the Mail Stop Fee Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, and Express Mailed under the provisions of 37 CFR 1.10.



Candace White

July 1, 2003

Date

EV 235988174 US

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RESPONSE TO JUNE 2, 2003 OFFICE ACTION
IN UNITED STATES PATENT APPLICATION NO. 09/933,943

Mail Stop Fee Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the June 2, 2003 Office Action.

Section I. INTRODUCTION

In June 2, 2003 Office Action, a restriction requirement was imposed against claims 1-38, identified as the pending claims on the PTO-326 Office Action Summary form. The subsequent "DETAILED ACTION" at pages 2-4 of the Office Action, imposed a restriction requirement between Group I claims 1-20 and Group II claims 21-38.

Applicant traverses such restriction requirement, on the grounds that claims 1-38 were cancelled from the application at the time of its filing as a continuation of prior application no. 08/955,168, claims 1-38 were cancelled, and claims 39-60 were added in the Preliminary Amendment filed in the application on August 21, 2001. A true and exact copy of such Preliminary Amendment is appended hereto in Appendix A hereof.

It is noted that the Preliminary Amendment was given effect by the U.S. Patent and Trademark Office, as evidenced by the Filing Receipt issued by the USPTO on September 14, 2001, identifying the application as containing 22 total claims, of which 7 were independent, corresponding to the added new claims 39-60.

Accordingly, the Office Action of June 2, 2003 is improperly based, as directed to the previously cancelled claims.

It therefore is requested that the Examiner withdraw the restriction requirement on the record, and give effect to the entered Preliminary Amendment and claims 39-60 now pending in the application as a result of such Preliminary Amendment.

Attached in the following Section II are the pending claims 39-60, and claims 61-67 newly added herein.

Corresponding remarks are contained in Section III hereof.